

11/8/07

ENTRY OF DISMISSAL
IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

The Kroger Co.,)	Case No. 3:07 CV 01619
)	
Plaintiff,)	Judge Katz
)	
-vs-)	ENTRY OF DISMISSAL
)	
Louisville Title Agency for N.W. Ohio, Inc.,)	
et.al.)	
)	
Defendants.)	

* * *

This matter having come on before the Court upon the motion of all parties herein and the Court having been advised that a settlement of all matters in issue has been reached, now therefore, IT IS ORDERED:

1. The Complaint and all claims asserted in this action by Plaintiff, The Kroger Co. ("Kroger"), and all Counterclaims asserted by any Defendants against Kroger in this action are hereby DISMISSED, WITHOUT PREJUDICE to their refiling; and

2. All Cross-claims asserted by any of the Defendants herein against any of the other Defendants herein, are hereby DISMISSED, WITH PREJUDICE to their refiling; and

3. The Clerk of this Court is hereby ORDERED to distribute all funds held by it in connection with this action, less such poundage and/or other appropriate charges or costs, (1) to Kroger, c/o Vorys, Sater, Seymour and Pease LLP, Attn:

Kenneth J. Rubin, Esq. in the amount of \$8,856.43, in full and final payment of its attorneys fees and costs; and (2) to Louisville Title Agency For N.W. Ohio, Inc., as Escrow Agent, all amounts remaining after the foregoing payment to Kroger, to be held in escrow in accordance with Exhibit 2 to the Settlement Agreement entered into between and among the Defendants herein; and

IT IS FURTHER ORDERED that all other costs, attorneys fees and/or expenses incurred by any party to this action shall be borne by the party incurring same.

IT IS SO ORDERED

Hon. David Katz,
Judge, United States District Court
for the Northern District of Ohio,
Western Division

APPROVED AS TO FORM AND CONTENT:

/s/ Kenneth J. Rubin
Kenneth J. Rubin (0077819)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215
Phone: (614) 464-5692
Facsimile: (614) 719-4796
Attorney for Plaintiff,
The Kroger Co.

/s/ Jeffrey S. Creamer
Jeffrey S. Creamer (0012539)
Shumaker, Loop & Kendrick, LLP
North Courthouse Square
1000 Jackson
Toledo, OH 43604-5573
Phone: (419) 321-1276
Facsimile: (419) 241-6894
Attorney for Defendants,
Louisville Title Agency for N.W. Ohio,
Gloria Levin and Alan Schall

/s/ Michael E. Fleiss

Michael E. Fleiss

Dewey & LeBoeuf LLP 125 West 55th Street
New York, NY 10019-5389

Telephone: (212) 424-8000

Facsimile: (212) 649-1135

Attorney for First Morgan Investments, L.L.C., a/k/a
First Morgan Investment, LLC

Realty Dealership Company and F.G.

Realty Corp.